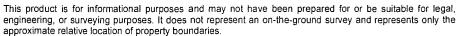


## **NOTIFICATIONS**

CASE#: C15-2016-0039 LOCATION: 2529 Winsted Ln.







# Board of Adjustment General/Parking Variance Application

WARNING: Filing of this appeal stops all affected construction activity.

Case # 0 16-2016-1039ROW# 11500 5705

This application is a fillable PDF that can be completed electronically. To ensure your information is saved, <u>click here to Save</u> the form to your computer, then open your copy and continue.

The Tab key may be used to navigate to each field; Shift + Tab moves to the previous field. The Enter key activates links, emails, and buttons. Use the Up & Down Arrow keys to scroll through drop-down lists and check boxes, and hit Enter to make a selection.

The application must be complete and accurate prior to submittal. *If more space is required, please complete Section 6 as needed.* All information is required (if applicable).

# For Office Use Only

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Section 1: Applicant Statement	
Street Address: 2529 Winsted Lane, Austin, Texas 78703	
Subdivision Legal Description:	
Lot 205 & N25 FT of LOT 260 LESS E 14.7 FT AV Tarryt	own Oaks
	):
Outlot: Division Division Zoning District: SF-3 - NP (WeSt AUSH)	n Neighbor hood Group.
I/We <u>Farooq Balaparya</u>	on behalf of myself/ourselves as
authorized agent for	affirm that on
Month March , Day 15 , Year 2016	, hereby apply for a hearing before the
Board of Adjustment for consideration to (select appropriat	e option below):
○ Erect ○ Attach ○ Complete ○ Remodel ○	Maintain • Other:
Type of Structure: It is a detached one bedroom, two stor	y quest house in back of property

Portion of the City of Austin Land Development Code applicant is seeking a variance from:

As approved, this structure required a 10 foot rear-yard setback. However, this was built by the previous owner, Edward Napoliello - not by me. A Board of Adjustment variance would be required and neccesary to re-issue a permit for the structure that has already been built. I am trying to rectify the mistakes of the previous owner.

# Section 2: Variance Findings

The Board must determine the existence of, sufficiency of, and weight of evidence supporting the findings described below. Therefore, you must complete each of the applicable Findings Statements as part of your application. Failure to do so may result in your application being rejected as incomplete. Please attach any additional supporting documents.

NOTE: The Board cannot grant a variance that would provide the applicant with a special privilege not enjoyed by others similarly situated or potentially similarly situated.

I contend that my entitlement to the requested variance is based on the following findings:

#### Reasonable Use

The zoning regulations applicable to the property do not allow for a reasonable use because:

The current regulations do not hinder the property, anyone else's property, or anyone else in
any manner. The difference is that the code requires for it to be 10 feet; it is currently at 8 feet.
Where the guest house is now, it is not in any way obstructing anything. I am trying to be in line
with the city requirements and have been active in taking steps to remedy the situation at hand.

#### Hardship

a) The hardship for which the variance is requested is unique to the property in that:

Napoliello, and I have spent 5 months working on making the property better.

The guest house and the main house were previously owned by Edward and Tsina Napoliello.

Edward Napoliello had a history of doing construction on the home but then letting the permits lapse. Moreover, in May 2015, Tsina filed for divorce and served Edward with divorce papers.

He commenced to destroy the residence in damages worth \$60k. The home was deemed inhabitable. He has been charged with a felony for his actions (Case #:D-1-DC-16-300095)

.b) The hardship is not general to the area in which the property is located because:

It is in the back of the main house, it does bother, hinder, or obstruct anyone else's property. It is only pertitent to my property and I am trying my best to make the property up to par of the neighborhood standards. I found out about the problem in March 2016, and am doing my best to fix it in an expedited manner. I have pictures of the extensive damage was caused by

#### **Area Character**

The variance will not alter the character of the area adjacent to the property, will not impair the use of adjacent conforming property, and will not impair the purpose of the regulations of the zoning district in which the property is located because:

It is in the back portion of the property, it has not caused anyone any type of damage or does not stand to be any sort of hinderance or bother to the neighborhood. Many homes on the same street have this type of setup - my problem is that it was built by someone who didnt know what he was doing and it is 2 feet off. It is roughly a 1000 sq feet guest house, and completely finished out. To tear it down and restart the construction on the guest house would not be prudent, in my professional opinion.

Parking (additional criteria for parking variances only)

Request for a parking variance requires the Board to make additional findings. The Board may grant a variance to a regulation prescribed in the City of Austin Land Development Code Chapter 25-6, Appendix A with respect to the number of off-street parking spaces or loading facilities required if it makes findings of fact that the following additional circumstances also apply:

1.	Neither present nor anticipated future traffic volumes generated by the use of the site or the uses of sites in the vicinity reasonably require strict or literal interpretation and enforcement of the specific regulation because:
2.	The granting of this variance will not result in the parking or loading of vehicles on public streets in such a manner as to interfere with the free flow of traffic of the streets because:
3.	The granting of this variance will not create a safety hazard or any other condition inconsisten with the objectives of this Ordinance because:
4.	The variance will run with the use or uses to which it pertains and shall not run with the site because:
***************************************	

# **Section 3: Applicant Certificate**

他 5

I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

Applicant Signature: Farooq Balaparya Digitally signature:	ned by Farooq Balaparya rooq Balaparya, o=Birch Construction, ou, oq1234@hotmail.com, c=US -03-15-12:37:39-05'00'	Date: <u>03/15/2016</u>
Applicant Name (typed or printed): Farooq Balaparya		
Applicant Mailing Address: 2601 Birchleaf Trail		
City: Austin	State: <u>Texas</u>	Zip: <u>78748</u>
Phone (will be public information): (512) 554-3382		
Email (optional – will be public information):		
Section 4: Owner Certificate		
I affirm that my statements contained in the complete my knowledge and belief.		
Owner Signature: Farooq Balaparya Digitally signed DN con-Faroto DN con-	sd by Farcoq Balaparya og Balaparya, o≃Birch Construction, ou, 1234@hotmail com, c≂US 3-15-12-30-1605′00′	Date: <u>03/15/2016</u>
Owner Name (typed or printed): Farooq Balaparya		
Owner Mailing Address: 2601 Birchleaf Trail		
City: Austin	State: <u>Texas</u>	Zip: <u>78748</u>
Phone (will be public information): (512) 554-3382		
Email (optional – will be public information):		
Section 5: Agent Information		
Agent Name:		
Agent Mailing Address:		
City:	State:	Zip:
Phone (will be public information):		
Email (optional – will be public information):		A
Section 6: Additional Space (if applica	ble)	
Please use the space below to provide additional inforeferenced to the proper item, include the Section and	rmation as needed. To d Field names as well	ensure the information is (continued on next page).

My understanding is that the previous owner (Wife) Tsina Napoliello can be present, if need be, to discuss how her husband would just haphazardly construct items and let permits lapse. She can also be present to discuss the damage he caused that I have had to repair (i.e. he ripped out the

mater electrical breakers, ripped out the toilets and poured Quikrite down the copper pipes

# Additional Space (continued) smashed all the windows, ripped out all the appliances, uriniated all over the home, etc). I sincierely hope that the Board sees that I am doing my best in order to make this home liveable again versus being an eyesore on the street.

SAVE



#### March 28, 2016

Via email: <a href="mailto:leane.heldenfels@austintexas.gov">leane Heldenfels</a>
City of Austin Development Services Department P.O. Box 1088
Austin, Texas 78767

Re: Hardship letter with regards to Board of Variance Application and Hearing in reference to 2529 Winsted Lane, Austin, Texas 78703.

#### Esteemed Board of Variance Members:

My name is Farooq Balaparya. My wife, Meher Balaparya, and I have lived in Austin, Texas since the Spring of 1991. We moved to Austin from Boston, Massachusetts after the passing of our second daughter due to muscular dystrophy.

For the past fifteen years, I have been in the construction business. On October 23, 2015, my wife and I purchased 2529 Winsted Lane, from an individual who was going through a very volatile divorce, filled with family violence and multiple criminal charges. The property encompasses a main residence (approximately 1800 square feet), that has three bedrooms and one bathroom, along with a guest house. The guest house is a two-story structure, with a bedroom, laundry room, and master bathroom upstairs, and a loft-style living room on the first floor (approximately 1000 square feet). It is my understanding that the guest house has been built two feet off from its proper designation. The guest house was built by the previous owner.

From the get-go of the acquisition of the property, it has been an obstacle; property was drenched with urine (interior mainly), and then the subsequent result of an incest of aggressive insects and fleas due to this action by the previous owner. Then, when I began to tackle the repair and remodel processes, I discovered a multitude of permitting issues, including permits that has been applied for the previous owner but not completed, permits that had not been procured however work had been performed by the previous owner, and then mistakes by the previous owner with regards to electrical, plumbing, etc.

One by one, I have tackled and resolved each of the permit issues, and I am here today to resolve this permitting issue. Inspections were never called for by the previous owner, and when I attempted to do so, this is when this guest house problem was brought to my attention.



I did more research as to the details surrounding this mistake. The previous owner had procured a survey in 2006, and when compared to the survey I had received in 2015, the easements, property line designations, and setbacks are, in my humble reading of the two surveys, not in line with the 2015 survey. I do not have the answer as to why this happened and why the two surveys are different. However, I do understand that the previous owner relied on the 2006 survey and built the guest house in accordance with that. Therefore, looking at it an objective standpoint, it is neither the previous owner's fault nor mine. When someone orders a survey, it is heavily relied upon by a multitude of people.

When I acquired the property, I was not aware that there was a 2006 survey, or that the guest house was two feet off from where it should be located. Now, I am trying my very best to make everything proper with the City of Austin with the facts at hand. I have never been in this type of situation before, and I have done my very best to tackle the problem as soon as I found out about it.

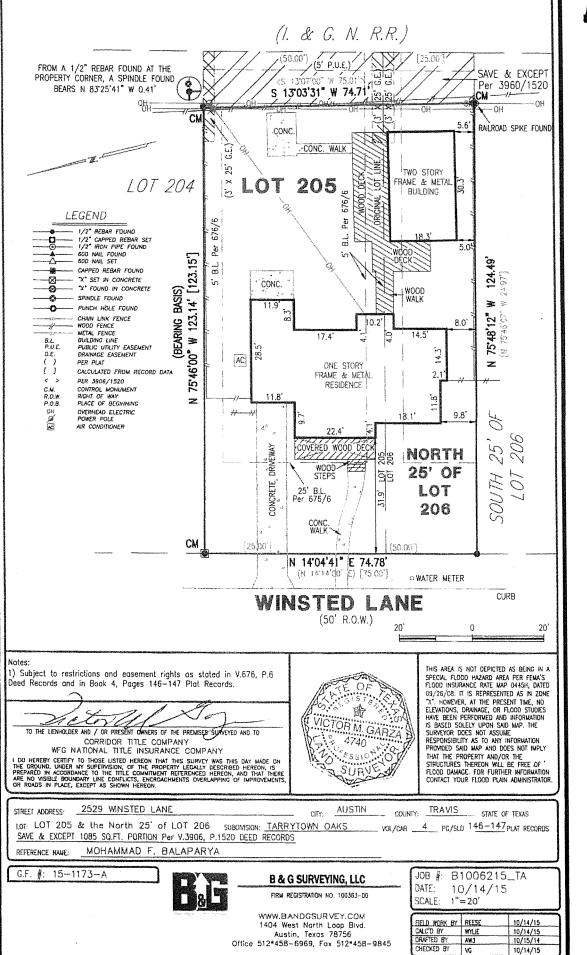
The hardship portion of this application also has to do with the structure, in that it is not easily replaceable nor moveable. The guest house is surrounded by a sizeable deck, and it has been finished out by me prior to having knowledge of this issue. The deck was built by the previous owner, but I finished out the laundry room, master bathroom, and master closet on the second floor.

Lastly, as the pictures depict, the guest house is not a hinderance to any of the neighbors or to the public. From many angles, the guest house is not visible. Moreover, it adds value to the neighborhood as many of the homes have this type of setup. I understand aesthetically 2529 Winsted Lane is currently out of touch. I haven't had a chance to dive into that portion of it (i.e. making the entire property one color, re-doing the paint a lighter color in order to brighten up the property, painting the deck, re-doing the driveway, re-doing the French doors in the front breakfast room area, finishing the backyard, lawn renovation (including adding more trees, shrubs, flowers, etc.) Essentially, the curb appeal currently is below my standard of quality. However, this is why I am tackling logistics of the City of Austin first, and then my plan is to overhaul the property in order to make it, not only liveable, but to be apart of a long-standing highly regarded neighborhood.

I kindly am requesting that the Board of Variance accept and approve my application so that this matter can be resolved in an expedited manner.

Yours very truly,

Farooq and Meher Balaparya



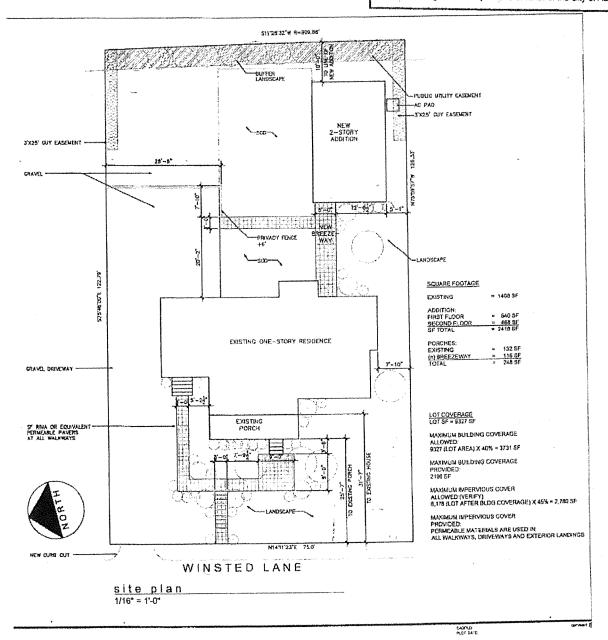
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# CITY OF AUSTIN APPROVED FOR PERMIT Greg Guernsey

Planning and Development Review Department

Ву	***************************************	Date	
the	granting of a permit for, or appro	val of	

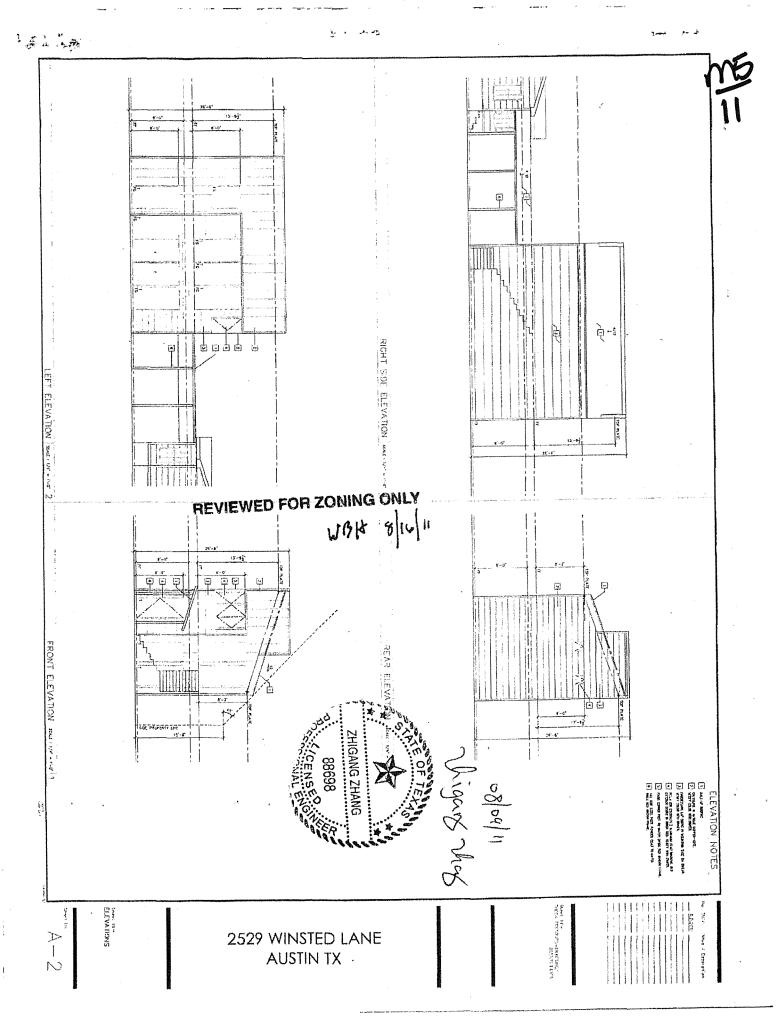
the granting of a permit for, or approval of these plans and specifications shall not be construed to be a permit for or an approval of any violation of any of the provisions of the current adopted building code or any other ordinance of the City of Austin.

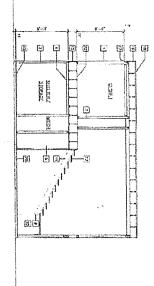


All structures etc. must maintain 7'5" clearance from AE energized power lines. Enforced by AE & NESC codes.

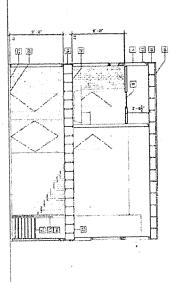
AE APPROVED

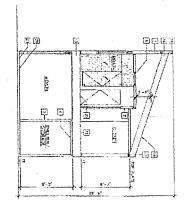
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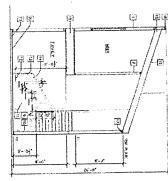




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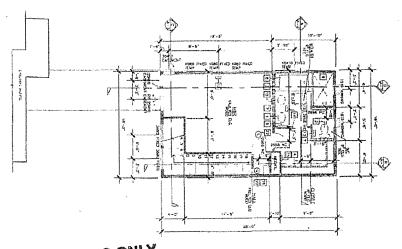


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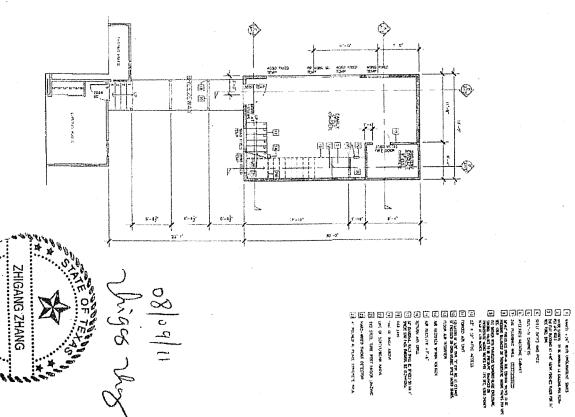
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2529 WINSTED LANE **AUSTIN TX** 

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REVIEWED FOR ZONING ONLY 2/16/11



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2529 WINSTED LANE AUSTIN TX

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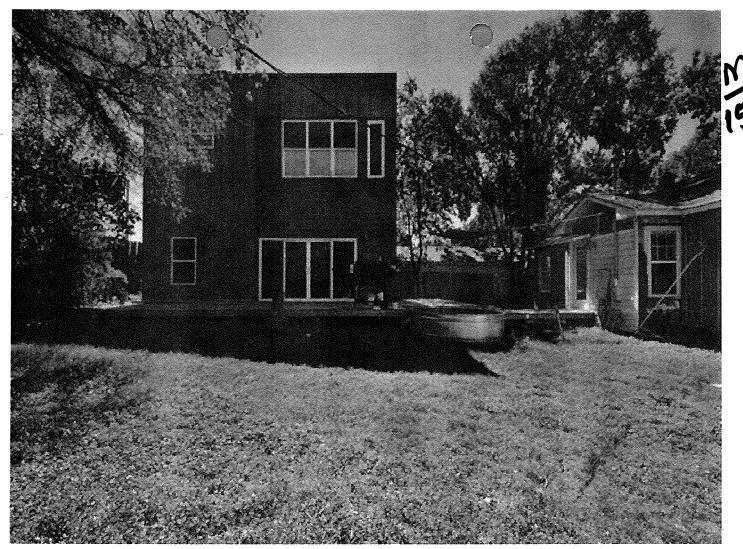
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### CITY OF AUSTIN

# RESIDENTIAL PERMIT APPLICATION "A"

STATE OF THE PARTY	PR Numbe	r 11 – C	71	76	5			
- The second	Building Po	ermit No				<u>.</u>		
-	Plat No	1		Date_	8	10	N	Y
	Reviewer_	B.++				,		
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PRIMARY PROJECT DATA				
	Winsted	Ln.	Tax Parcel No.	
Legal Description			, , , , , , , , , , , , , , , , , , , ,	
Lot Block	Subdivision			Section Phase
If in a Planned Unit Develop (attach final app	ment, provide Name proved copies of subdivisi			·
If this site is not a legally su	ıbdivided lot, you m	ust contact the Dev	elopment Assistance Center fo	r a Land Status Determination.
Description of Work New Residence	•	Remodel	(specify)	
Duplex		X Addition	(specify) 2 story ac	eldition e rear
Garageattached _	detached detached	7-4-	of house	
Carportattached _ Pool	detached	Other (spe	ecify)	<u> </u>
Zoning (e.g. SF-1, SF-2)	<del></del> 1			
- Height of Principal building	15 ft. # o:	ffloors / He	eight of Other structure(s) 2	ft. # of floors 2
- Does this site currently have w	· · · · · · · · · · · · · · · · · · ·		-	
Austin Water Utility at 512-97	2-0000 to apply for	water and/or was	tewater tap application, or a s	service extension request.
- Does this site have a septic sys	tem? Yes	No. If yes, for all s	ites requiring a septic field yo	u must obtain an approved sej
permit prior to a zoning review				
Does this site have a Board of A				ıtation
Will this development require a				
Does this site front a paved stree	et? <b>Y</b> Yes <u>No</u>	A paved alley?	Yes XNo	
Is this property within the Resid	ential Design and C	ompatibility Standa	rds Ordinance Boundary Area?	YesNo
VALUATIONS FOR REMODELS ONLY		FOR NEW CONS		PERMIT FEES (For office use only)
Building \$/5,000	Lat Siza Cl 8	327	so ft	NEW/ADDITIONS REMODE
Electrical \$ 500		•	Ruilding	s 200. 4 s
Mechanical \$ 2000	Job valuation – I	Principal Building \$ Labor and ma		\$ <u>57. •     </u>
Plumbing \$ 500	Job Valuation – (	Other Structure(s) \$	1 1 20 1 1 1	\$ 44 w \$
Driveway/		(Labor and ma		\$ 47.00 \$
Sidewalk \$ N/A	TOTAL JOB V	ALUATION	Driveway	•
TOTAL \$ 18,000	(sum of remodels	and additions)		\$
(labor and materials)		000		\$
	•	(Labor and materials)		
OWNER / BUILDER INFOR	MATION			Talanhara (h) 7/15 1/13
OWNER Name	d Napo	liello		Telephone (h) 748 147 (w)
	Jame N/A	·	· · · · · · · · · · · · · · · · · · ·	TelephonePager
	plicant's Name	······································		FAX .
DRIVEWAY/ SIDEWALK Contractor_	self			Telephone
CERTIFICATE Name	d Naza	oliello		Telephone 748 1424
OF OCCUPANCY Address 2	529 Win	sted Lu	City_A\	15th STIX ZIP 78-
If you would like to be notified whertelephone	C(4)	biasky	the method:  Shade Congwww.ci.austin.tx.us/development/	'pierivr.htm

